



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Michael R. Pence
Governor

Thomas W. Easterly
Commissioner

VIA ELECTRONIC MAIL

October 16, 2014

Mr. Dennis Eversoll
Solar Sources, Inc.
625 North Ninth Street
P.O. Box 7
Petersburg, Indiana 47567

Dear Mr. Eversoll:

Re: Request to Modify
NPDES General Permit No. ING040026
IDNR Permit No. S-00270 and S-00298
Solar Sources Cannelburg Mine
CR 900 East one mile south of Cannelburg
Davieess County

Our office has received your NPDES Notice of Intent submittal dated September 9, 2014. In it you requested modification of the above-referenced permit coverage as follows:

1. The removal of Outfall 023 (latitude 38°, 38', 53", longitude -87°, 00', 33"), discharging to an unnamed tributary to South Fork Prairie Creek; and
2. The reinstallment of previously dropped alkaline mine drainage status Outfall 011 (latitude 38°, 38', 58", longitude -87°, 00', 54"), discharging to an unnamed tributary to South Fork Prairie Creek.

The request has been processed in accordance with Section 402 and 405 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), and IDEM's permitting authority under IC 13-15. Our office has received confirmation from the IDNR in Jasonville, Indiana that the areas currently serviced by existing Outfalls 023 will discharge through newly rebuilt Outfall 011. In addition we have determined that the addition of alkaline Outfall 011 will not affect Solar Sources's Cannelburg Mine's eligibility for coverage under the general permit rules outlined in 327 IAC 15-1 through 15-4 and 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities, nor will the additional outfall point affect the site's ability to meet the reporting requirements. Adding back Outfall 011 is also approvable as it is being constructed in the same location where it had been previously. Therefore your petition to amend your permit coverage as is described above has been approved in accordance with Indiana rules promulgated under 327 IAC15-7.

The NPDES general permit identification number assigned to this facility in the previous approval will continue to apply, as will all other testing and reporting that are required under 327 IAC 15-7 using the forms that were sent to you previously. Additional copies of this form are available on the internet at the following web site:

<http://www.in.gov/idem/5104.htm>



A State that Works



Recycled Paper

Mr. Dennis Eversoll
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327 IAC 15-7 is also available on the internet at the following website:

<http://www.in.gov/idem/4087.htm>

Additionally, you will continue to receive the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at (317) 232-8670.

These modifications shall be deemed effective on **October 1, 2014**, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under 327 IAC 15-7 for all remaining outfalls remains effective, and will expire on **August 31, 2019**. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by this acceptance for coverage under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this acceptance for coverage with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan of our staff at (317) 232-8703.

Sincerely,



Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

Slj/

cc: Daviess County Health Department
IDNR, Division of Reclamation

ATTACHMENT 1

Solar Sources Cannelburg MineNPDES PERMIT NO. ING040026IDNR PERMIT NO. S-00270 and S-00298EFFECTIVE DATE: **October 1, 2014**

OUTFALLS PERMITTED FOR THIS FACILITY

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
<u>011</u>	<u>S-00298, SB31GG-1</u>	<u>38°, 38', 58"</u>	<u>-87°, 00', 54"</u>	<u>Alkaline</u>	<u>Unnamed tributary to South Fork Prairie Creek</u>
012	S-00298, SB36RB-1	38°, 38', 49"	-87°, 01', 06"	Alkaline	Unnamed tributary to South Fork Prairie Creek
014	S-00298, 36WW-1	38°, 38', 30"	-87°, 00', 26"	Alkaline	Unnamed tributary to South Fork Prairie Creek
017	S-00298, SB1MG-1	38°, 38', 12"	-87°, 02', 01"	Alkaline	Unnamed tributary to Veale Creek
020	S-00298, SB13JS-1	38°, 36', 31"	-87°, 01', 53"	Alkaline	Unnamed tributary to Aikman Creek
021	S-00298, SB14AS-1	38°, 36', 30"	-87°, 02', 35"	Alkaline	Unnamed tributary to Aikman Creek
022	S-00298, SB2AS-2	38°, 37', 35"	-87°, 02', 42"	Alkaline	Unnamed tributary to Veale Creek

The following outfalls have been removed and are no longer covered under this permit:

005	S-00270, SB5RH-1R	38°, 38', 01"	-89°, 59', 38"	Alkaline	Unnamed tributary to Haw Creek
008	S-00298, SB31GC-2	38°, 39', 13"	-87°, 00', 30"	Alkaline	Unnamed tributary to South Fork Prairie Creek

013	S-00270 BASIN-1	38°, 38', 38"	-87°, 00', 54"	Alkaline	Unnamed tributary to South Fork Prairie Creek
015	S-00298, SBDW-1	38°, 38', 18"	-87°, 02', 04"	Alkaline	Unnamed tributary to Veale Creek
016	S-00298, 36NW-1	38°, 38', 47"	-87°, 01', 26"	Alkaline	Unnamed tributary to South Fork Prairie Creek
018	S-00298, SB7DM-1	38°, 36', 44"	-87°, 00', 46"	Alkaline	Unnamed tributary to Aikman Creek
019	S-00298, SB12GH-1	38°, 36', 44"	-87°, 01', 11"	Alkaline	Unnamed tributary to Aikman Creek
<u>023</u>	<u>S-00298</u> <u>SB31GC-2</u>	<u>38°, 38', 52"</u>	<u>-87°, 00', 34"</u>	<u>Alkaline</u>	<u>Unnamed tributary to</u> <u>South Fork Prairie Creek</u>

**STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

PUBLIC NOTICE NO. 2014 – 10D -GP

DATE OF NOTICE: October 16, 2014

The Office of Water Quality issues the following **NPDES GENERAL PERMIT**.

MODIFICATION

SOLAR SOURCES CANNELBURG MINE, Permit No. ING040026, DAVIESS COUNTY, Cannelburg, IN. This modification is being issued because the facility is adding 1 outfall and deleting 1 outfall. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

PROCEDURES TO APPEAL

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

Appeal Procedure: Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication **within** eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

Timely filing: The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) **within** 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:
Phone: 317/232-8591.

Environmental Law Judge
Office of Environmental Adjudication
IGC – North Building- Rm 501
100 N. Senate Avenue
Indianapolis IN 46204

Stay Time frame: If the Petition (s) is filed **within** eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

Hearing Notification: Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.



Indiana Department of Environmental Management

NPDES General Permit Notice of Intent (NOI) Letter Submittal Application

327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

OFFICE OF
WATER QUALITY

I. PURPOSE OF SUBMITTAL:

Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.

2014 SEP 16 A 10:39

NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
		X	ING 0400-26	Reestablishment of Outfall 011 and removal of Outfall 023

II. GENERAL INFORMATION

Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.

a. APPLICANT NAME (TO THE ATTENTION OF)			e. FACILITY SIC CODE		f. FACILITY COUNTY		g. DNR PERMIT OR AML SITE NUMBER	
Dennis Eversoll			1221		Daviess Co.		S-00270 & S-00298	
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS				h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER				
COMPANY NAME Solar Sources, Inc.				Latitude			Longitude	
STREET ADDRESS P.O. Box 7				Degree 38	Minute 36	Second 45	Degree 87	Minute 01
CITY Petersburg				STATE Indiana	ZIP CODE 47567			
c. FACILITY NAME				i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER/SECTION				
Solar Sources, Inc. Cannelburg Mine				Township		Range		Section
				3 North		5 West		31
				3 North		6 West		36
				2 North		6 West		1,2,11,12,13,14
d. FACILITY MAILING ADDRESS				j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM Iid				
STREET ADDRESS P.O. Box 7				STREET ADDRESS Rt 1				
CITY Petersburg		STATE IN	ZIP CODE 47567	CITY Cannelburg		STATE In	ZIP CODE 47519	

III. CONTACT INFORMATION AUTHORIZED SIGNATORY

This section applies to the responsible corporate officer and/or alternate person who is authorized in writing by the responsible corporate officer to carry signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable. If the signatory is not a corporate officer please also submit the letter from the responsible corporate officer granting him/her this authority.

a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE		d. ALTERNATE PERSON TO ANSWER QUESTIONS	
Dennis Eversoll, Mine Surveyor		Mike Owen	
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE		e. ALTERNATE PERSON'S TELEPHONE	
(812) 354-8776 Ext. 136		(812) 354-8776 Ext. 138	
c. APPLICANT EMAIL ADDRESS		f. ALTERNATE PERSON'S EMAIL ADDRESS	
denny@solarsources.com		mowen@solarsources.com	

IV. CONTACT INFORMATION OTHER:

DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. CONTACT AND COMPANY NAME Dennis Eversoll Solar Sources, Inc.		
a. CONTACT TELEPHONE NUMBER (812) 354-8776 Ext. 136		d. STREET ADDRESS P.O. Box 7		
b. CONTACT EMAIL ADDRESS denny@solarsources.com		e. CITY Petersburg	f. STATE IN	g. ZIP CODE 47567
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		j. COMPANY AND CONTACT PERSON NAME Dennis Eversoll Solar Sources, Inc.		
h. CONTACT TELEPHONE NUMBER (812) 354-8776 Ext. 136		k. STREET ADDRESS P.O. Box 7		
i. CONTACT EMAIL ADDRESS denny@solarsources.com		l. CITY Petersburg	m. STATE IN	n. ZIP CODE 47567
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		q. COMPANY AND CONTACT PERSON NAME NA		
o. CONTACT TELEPHONE NUMBER		r. STREET ADDRESS		
p. CONTACT EMAIL ADDRESS		s. CITY	t. STATE	u. ZIP CODE

V. RULE QUALIFICATION:

The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.

Does this facility meet these requirements? (please check one) ☒ YES ☐ X ☐ NO

Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.

Facility used for mining and preparation of coal.

VI. OUTFALL INFORMATION: Please fill out the following information FOR ALL OUTFALLS

A. ITEM OUTFALL NO.	B. DNR BASIN NO.	C. LATITUDE	D. LONGITUDE	E. DRY WEATHER BASE FLOW	F. MINE DRAINAGE STATUS SAMPLE FREQ.	G. Is this discharge to a STORM SEWER	H. Name of RECEIVING WATER OR if YES name of OPERATOR OF MUNICIPAL STORM SEWER AND WATER IT DISCHARGES TO
		deg. min. sec.	deg. min. sec.				
011	SB31GG-1	38 38 58	87 00 54	0.0	ALKALINE 2/30	Y/(N)	Tributary of S. Prairie Creek
012	SB36B-1	38 38 49	87 01 06	0.0	ALKALINE 2/30	Y / (N)	Tributary of S. Prairie Creek
014	SB31HC-1	38 38 30	87 00 26	0.0	ALKALINE 2/30	Y / (N)	Tributary of S. Prairie Creek
017	SB1MG-1	38 38 12	87 02 01	0.0	ALKALINE 2/30	Y / (N)	Tributary of Veale Creek
020	SB13JS-1	38 36 31	87 01 53	0.0	ALKALINE 2/30	Y / (N)	Tributary of Aikman Creek
021	SB14AS-1	38 36 30	87 02 35	0.0	ALKALINE 2/30	Y / (N)	Tributary of Aikman Creek
022	SB2AS-2	38 37 35	87 02 42	0.0	ALKALINE 2/30	Y / (N)	Tributary of Veale Creek
023	SB31GC-2	38 38 52	87 00 34	0.0	ALKALINE 2/30	Y / (N)	Tributary of S. Prairie Creek

VII. OUTFALL INFORMATION FOR MODIFICATIONS: Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL, ADD, or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE: EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.
023	SB31GC-2 S-00270	DELETE	Sept.15,2014	Replaced by Outfall 011 for drainage area around preparation plant.
011	SB31GG-1 S- 00298	ADD	Sept..15,2014	Replaces Outfall ⁰²³ 008 for drainage area around preparation plant.

VIII. TOPOGRAPHICAL MAP

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please attach this completed map to the application and submit both together.

IX. PROOF OF PUBLICATION

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:
 Office of Environmental Adjudication
 Indiana Government Center – North
 100 North Senate Avenue, Room N501
 Indianapolis, Indiana 46204"

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

X. POTENTIALLY AFFECTED PERSONS FORM

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

(No Change in list since renewal)

Please fill out this form in its entirety and submit it with the application.

XI. REQUIRED FEES:

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

Please list amount submitted \$ 50.00, attach to and submit with application.

Checks or money orders shall be made payable to IDEM.

XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

Please forward a copy of this application as is required and identify the party to whom it was addressed and the date that it was mailed: Pete Sartoris 9/09/2014

XIII. CERTIFICATION STATEMENT

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

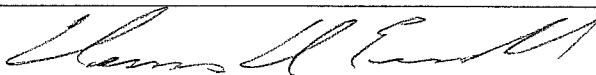
"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Dennis Eversoll, Mine Surveyor

(812) 354-8776

Name and official title (type or print)

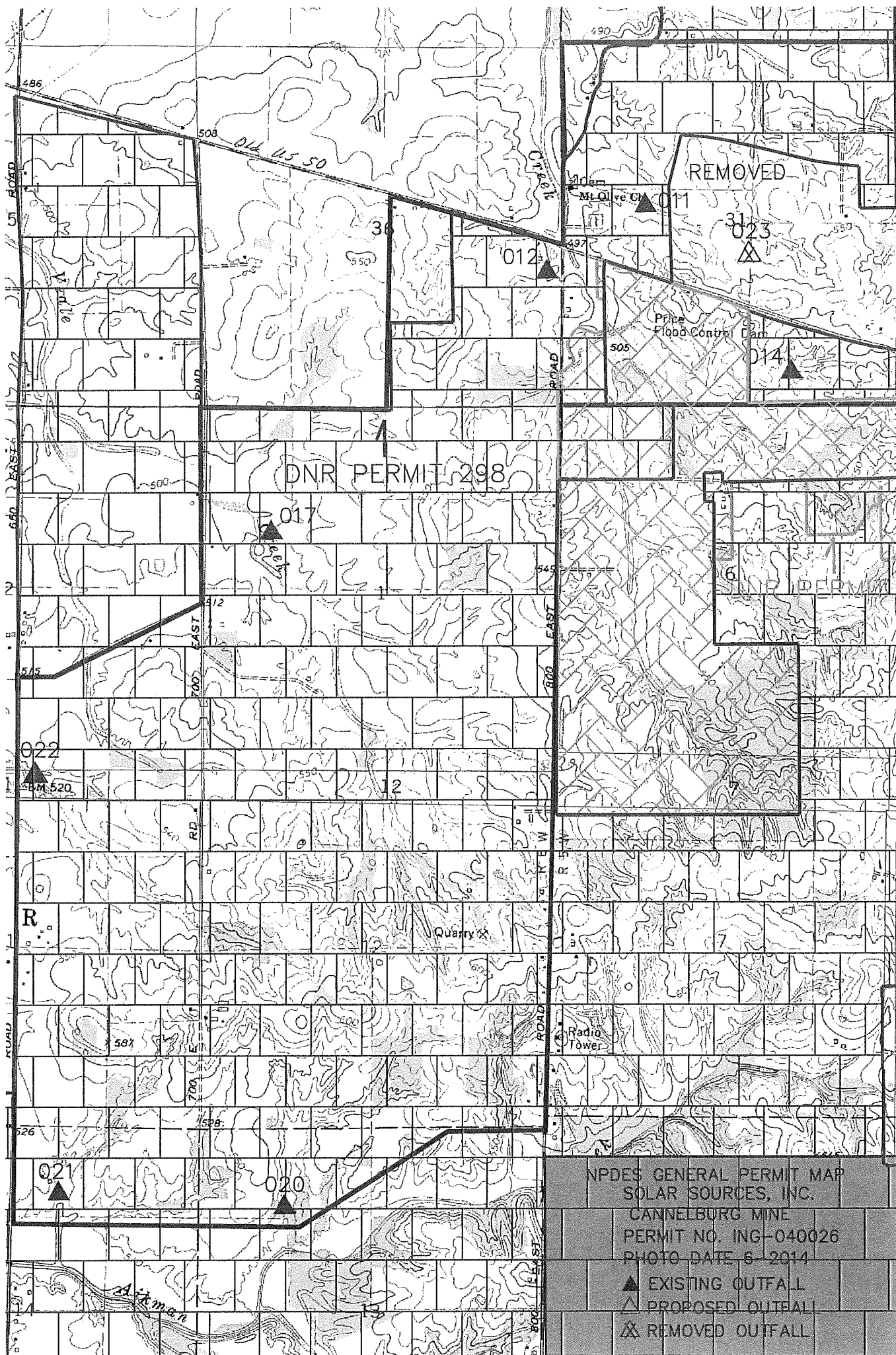
Area Code and phone No.


Signature

9/9/2014
Date signed

Submit completed form and attachments to the following address:

**Indiana Department of Environmental Management
Office of Water Quality – Mail Code 65-42
NPDES Permits Section
100 North Senate Avenue
Indianapolis, Indiana 46204-2251**



NPDES GENERAL PERMIT MAP
 SOLAR SOURCES, INC.
 CANNELBURG MINE
 PERMIT NO. ING-040026
 PHOTO DATE 6-2014
 ▲ EXISTING OUTFALL
 △ PROPOSED OUTFALL
 ✕ REMOVED OUTFALL